

SENATE BILL 279

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 40; Title 43; Title 53 and Section 67-
4-2802, relative to cannabis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-704, is amended by adding the following as a new subsection:

(e) The following types of property are not subject to forfeiture under § 39-11-703 based solely on their composition:

- (1) Industrial hemp, as defined in § 43-26-102;
- (2) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC); and
- (3) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 2. Tennessee Code Annotated, Section 39-11-704, is amended by deleting subsection (e) and substituting the following:

(e) The following types of property are not subject to forfeiture under § 39-11-703 based solely on their composition:

- (1) Hemp, as defined in § 43-27-101;
- (2) Any isolates of hemp other than delta-9 tetrahydrocannabinol (THC);
and
- (3) Any hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 3. Tennessee Code Annotated, Section 39-17-402(16)(C), is amended by deleting the subdivision and substituting the following:

(C) The term "marijuana" does not include the following:

- (i) Industrial hemp, as defined in § 43-26-102;
- (ii) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC); and
- (iii) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 4. Tennessee Code Annotated, Section 39-17-403(f), is amended by deleting the subsection and substituting the following:

(f) The commissioner shall exclude the following from a schedule:

- (1) Industrial hemp, as defined in § 43-26-102;
- (2) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC);
- (3) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC); and
- (4) Any nonnarcotic substance from a schedule if the substance may, under the Federal Food, Drug, and Cosmetic Act, compiled in 21 U.S.C. § 301 et seq., and the laws of this state, be lawfully sold over the counter without a prescription.

SECTION 5. Tennessee Code Annotated, Section 39-17-415(c), is amended by deleting the subsection and substituting the following:

(c) Nothing in this section shall be construed to categorize the following as a controlled substance:

- (1) Industrial hemp, as defined in § 43-26-102;
- (2) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC); and

(3) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 6. Tennessee Code Annotated, Section 40-33-201, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) The following types of property are not subject to seizure and forfeiture under this part based solely on their composition:

(1) Industrial hemp, as defined in § 43-26-102;

(2) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC); and

(3) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 7. Tennessee Code Annotated, Section 40-33-201, is amended by deleting subsection (b) and substituting the following:

(b) The following types of property are not subject to seizure and forfeiture under this part based solely on their composition:

(1) Hemp, as defined in § 43-27-101;

(2) Any isolates of hemp other than delta-9 tetrahydrocannabinol (THC);

and

(3) Any hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 8. Tennessee Code Annotated, Section 53-11-201, is amended by adding the following as a new subsection:

(l) The following types of property are not subject to seizure and forfeiture under this part based solely on their composition:

- (1) Industrial hemp, as defined in § 43-26-102;
- (2) Any isolates of industrial hemp other than delta-9 tetrahydrocannabinol (THC); and
- (3) Any industrial hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 9. Tennessee Code Annotated, Section 53-11-201, is amended by deleting subsection (l) and substituting the following:

(l) The following types of property are not subject to seizure and forfeiture under this part based solely on their composition:

- (1) Hemp, as defined in § 43-27-101;
 - (2) Any isolates of hemp other than delta-9 tetrahydrocannabinol (THC);
- and
- (3) Any hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 10. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding the following as a new section:

No person shall be subjected to a search by a law enforcement officer or by another person acting under the direction, supervision, or authority of a law enforcement officer based solely upon the detection of the odor of the cannabis plant, including the odor of any emission produced only by the burning or vaporization of the cannabis plant.

SECTION 11. Sections 1, 3, 4, 5, 6, 8, and 10 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 2, 7, and 9 of this act shall take effect upon Sections 1 through 12 of HB____/SB____ (draft identification number 000811) taking effect, the public welfare requiring it.